

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBYN ABRAHAM,

Plaintiff,

-v.-

ABBY LEIGH, *et al.*,

Defendants.

17 Civ. 5429 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

Plaintiff was required to file her papers opposing the Leigh Defendants' pending motion for summary judgment on or before March 11, 2020. (Dkt. #446). On March 11, 2020, Plaintiff emailed to the Court: (i) a copy of her brief in opposition to the pending motion for summary judgment; (ii) a copy of her Rule 56.1 counterstatement; and (iii) exhibits lettered A through J. Plaintiff informed the Court that she had been unable to file these documents through the Court's electronic case filing system. On March 18, 2020, the Court granted Plaintiff leave to file her papers in opposition to the pending motion for summary judgment through the Court's electronic case filing system on or before March 27, 2020. (Dkt. #470). But Plaintiff was granted leave to file only those papers that she had emailed to the Court and Leigh Defendants on March 11, 2020. (*Id.*). On March 25, 2020, Defendants filed their reply papers in further support of their pending motion for summary judgment, thus completing the briefing concerning the pending motion. (Dkt. #474).

On March 26, 2020, Plaintiff filed a letter, requesting that the Court grant her leave to file certain unspecified documents — including a larger

“opposition to motion for summary judgment” — that Plaintiff had not emailed to the Court on March 11, 2020. (Dkt. #477). Plaintiff argued that this was appropriate, because she was unable to email certain documents to the Court due to the size of the files in question. (*Id.*). Defendants have opposed Plaintiff’s request. (Dkt. #478).

Plaintiff’s application is DENIED. Plaintiff’s March 11, 2020 submissions in opposition to the pending motion for summary judgment do not make reference to any documents that Plaintiff had intended to file but was unable to do so due to file size limitations. Indeed, these March 11, 2020 submissions make reference only to the opposition brief, Rule 56.1 counterstatement, and Exhibits A through J. The Court is forced to conclude that Plaintiff is seeking to file a sur-reply in opposition to Defendants’ reply papers. Plaintiff has not demonstrated that she is entitled to such do so.

Accordingly, Plaintiff is hereby ORDERED to file on the public docket as her submissions in opposition to the pending motion for summary judgment only those documents that she emailed to the Court and Leigh Defendants on March 11, 2020. The Court will review these filings to ensure that they do not differ in any respect from those received on March 11, 2020.

SO ORDERED.

Dated: March 27, 2020
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge